

Appendix E

**Transcript (Court Report) from Scoping Meeting on
March 4, 2010 in Imperial County, California.**

ORIGINAL

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

**WEST CHOCOLATE MOUNTAINS
RENEWABLE ENERGY EVALUATION AREA**

PUBLIC SCOPING MEETING AGENDA

THURSDAY, MARCH 4, 2010

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOCATION: Calipatria Inn and Suites
700 N. Sorensen Avenue
Calipatria, CA

TIME: 6:30 p.m. to 7:02 p.m.

REPORTED BY:

JUDITH W. GILLESPIE, CSR, RPR

(No. 3710)

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A P P E A R A N C E S

BLM STAFF PRESENT:

REPRESENTING

John Dalton	BLM Desert District
Sean Hagerty	BLM Sacramento
Daniel Steward	El Centro Field Office
Charlie Christe	BLM Desert District
Carrie Simmons	El Centro Field Office
Linda Hughes	El Centro Field Office
Travis Whitney	Ecology & Environment, Inc., BLM Consultant
David McIntyre	Ecology & Environment, Inc., BLM Consultant

AUDIENCE PARTICIPANTS:

Major Ernie Govea	Marie Barrett
Jamie Hall	Mark Graw
Sandra Stoneburner	Desi Vela
Leon and Linda Lesicka	Luis Olmedo
Renee Rivard	Pamela Epstein
Steven Lee	Larry Smith
Larry Bailey	Vince Hernandez
Julia Martinez	Alexander Schreiner
Terry Weiner	Chris Meador

1 Calipatria, CA

Thursday, March 4, 2010

2
3 **P-R-O-C-E-E-D-I-N-G-S**
4

5
6 MR. DALTON: We have a very brief overview of
7 the project, and then we will try and break up and
8 have more of an open house.

9 My name is John Dalton. I'm the project lead
10 for the West Chocolate Mountains project, and Sean
11 Hagarty is our lead from Sacramento. Daniel Steward
12 is the acting field manager for El Centro. Carrie
13 Simmons, the archaeologist with BLM, and Linda Hughes,
14 acting branch chief. David McIntyre, our consultant
15 with E&E, Inc., and we also have Travis Whitney from
16 E&E out there signing in and handing out materials.
17 And did I miss anybody? Well, we have Judy Gillespie,
18 our court reporter, and Bailey, nice to have you here.

19 I just want to make sure everyone has had an
20 opportunity to sign in. We have materials out there,
21 so maps, Federal Register notice, I believe there is a
22 copy of the news release that went out.

23 Our purpose in meeting on this project -- and
24 by the way, for those of you who haven't seen the
25 project area, we have other maps. This is the project

1 area.

2 So our purpose -- we have two actions with
3 this proposed EIS. The broad action is whether or not
4 renewable energy is appropriate in this area:
5 geothermal, solar and wind. And the other action is
6 to address a pending geothermal lease application.
7 This helps us to implement the Energy Policy Act of
8 2005 and assist California in meeting the State
9 Renewable Energy Standard.

10 So here is the project area, 1 mile east of
11 Niland and extends 16 miles to the northwest and 10
12 miles to the southeast of Niland. And the West
13 Chocolate Mountains Renewable Energy Evaluation Area
14 consists of 59,095 acres of the evaluation area;
15 19,700 acres of BLM-managed surface lands; 3,200 acres
16 of California State Lands Commission lands; 31,551
17 acres of private land, including 1,782 acres of split-
18 estate. So it's private surface/federal minerals; and
19 2,862 acres of lands acquired from Catellus
20 Corporation, and those were acquired by the Wildlands
21 Conservancy and donated to BLM.

22 Issues include: Threatened and endangered
23 and special status species; sensitive vegetation
24 communities; special area designations; visual
25 resources; and water quality and quantity, areas of

1 high potential for renewable energy development; and
2 cultural resources. We also have concerns with the
3 Department of Defense. There could be conflicts in
4 regards to air space, with regards to wind and solar.
5 So those are just some of the identified issues.

6 Again, the reason we are here tonight is to
7 go through the scoping process and hopefully come up
8 with some other issues.

9 We have the reasonably foreseeable
10 development scenario for renewable energy. This is
11 our best guess. It's the numbers we are using to
12 further our analysis. This is not project-specific,
13 so there is nothing we can base an actual project on
14 with regards to impacts. So with that, we can talk
15 about this; we can talk about some of these. We have
16 the Geothermal RFD Scenario. Do you want to briefly
17 go through this?

18 MR. HAGERTY: The Imperial Valley has a
19 tremendous amount of impact: 19 power plants
20 currently producing 375 megawatts of power, more than
21 enough for a city the size of 400,000 people. But in
22 this area, the project area as John described it
23 covering about 19,000 acres of public land, maybe
24 about almost 60,000 acres of land altogether, we don't
25 have any personal knowledge of what that area may hold

1 as far as a resource. Nobody has drilled it. There
2 have been some shallow wells built up near the
3 Fountain of Youth Spa. But those are fairly shallow
4 manifestations of the resource. When we talk about
5 geothermal development, we are looking at a resource
6 that may be down 4,000 feet in depth. So there aren't
7 any wells in the area.

8 We have an inkling of what the energy
9 potential might be. Our best guess is that this strip
10 of land, including both private and federal, we are
11 not specific of where because we don't know where, but
12 we feel that it probably could support upwards of
13 about 150 megawatts of development. That could be
14 three power plants. It could be four. It could be
15 maybe two. We don't know.

16 But we are guessing that based upon the
17 amount of acreage and the location parallel faulting
18 system, parallel to the Salton Sea area, perhaps about
19 150 megawatts. That would include three power plants,
20 about 50 megawatts a piece, probably similar type of
21 design, flash, but it could be binary, where they pump
22 the fluid up, it goes through a heat exchanger and
23 vaporizes, turns the turbine, and makes electricity.
24 And the water is now cooled a bit and because of the
25 heat exchangers, is injected back in the ground.

1 At our East Mesa Field down east of Brawley,
2 out of the six power plants, five of them are binary.
3 So in this case, at least for geothermal development,
4 if leasing was a decision to be made for offering
5 leases -- and that is a decision, along with these
6 lease applications pending -- then this is the type of
7 scenario that we might expect to see. It could be a
8 lot less; it could be a little bit more. We won't
9 know until a decision is made to let a lease.

10 I do know that just immediately east of
11 Niland, that Ormat -- Ormat is the name of a company,
12 that they do have an exploration project on private
13 land for about 60 test wells adjacent to our project
14 area. But it's on private lands, so we have no
15 jurisdiction over that. Imperial County has approved
16 their wells, but they have not begun to drill. So
17 testing that land may have an implication for what we
18 might have here.

19 Moving on to solar energy: Solar energy
20 becomes a little bit more nebulous. Obviously, it's
21 sunny down here, where the sun spends the winter. So
22 there is a potential for solar energy development in
23 this area. There was an application filed a year ago
24 for a photovoltaic system to the east and northeast of
25 Niland. That's been withdrawn, so it's no longer out

1 there. But obviously, there is a potential for solar
2 energy, as it is throughout the desert. And many of
3 you probably know about projects in the northern part
4 of the desert or out near Las Vegas, a lot of interest
5 and a lot of competition for those lands.

6 So far right here, there is interest. It
7 hasn't been brought forward to our agency. But using
8 data supplied to us by Department of Energy, we feel
9 that if a large solar array is set up, we might have
10 12 maybe 150 megawatt of PV systems or nine solar
11 thermal. The difference is that the PV system is what
12 you might have on your roof. It's actually converting
13 sun into electricity, whereas the solar thermal is
14 actually like a magnifying glass in reverse, or
15 basically a trough, a column that focuses the sun's
16 energy into a pipe that contains a fluid. And it
17 heats up the fluid and that vaporizes and turns a
18 turbine to produce electricity. You find out that a
19 lot of these energy sources are used the same way to
20 create a vapor that turns a turbine and turns a
21 generator.

22 So our expectation is that if a decision was
23 made to consider solar energy in the area, this would
24 be if people applied for the lands through a right-of-
25 way, if BLM decided to issue rights-of-way, it might

1 be 18,000 acres in this area of 60,000 acres, and
2 that's a big hit. And so far there's no applications
3 pending. And overall in terms of the desert the solar
4 potential is good, but it's good in other places.

5 A little more factual, a little more solid
6 would be the wind energy potential. Again, Semper
7 Energy, the parent company of SDG&E, did have an
8 application covering several thousand acres in the
9 southeastern portion of the project area that has also
10 been withdrawn.

11 There are wind resources here based upon
12 energy potential coming in from the Department of
13 Energy. Obviously, there is a lot of wind that blows
14 across the sea coming in from the west. Also it
15 shifts during the season. That's why the sand dunes
16 are out there and they are basically running
17 northwest/southeast because in the summertime we get a
18 lot of wind coming up from the Gulf of California and
19 in the the wintertime the wind reverses.

20 So there is potential here. If somebody was
21 interested, it would be up to the BLM to consider that
22 application on a case-by-case basis. And this
23 document is to consider, is this the type of energy
24 source compatible with the area?

25 If we look at the reasonable foreseeable

1 development scenario as outlined through data from the
2 Department of Energy, again, we basically have 45
3 megawatts of wind energy that could be developed in
4 the area. It's not a big wind area, not great
5 potential, but it does have potential.

6 Overall surface disturbance here in terms of
7 BLM, in terms of total disturbance, the reason why
8 there is a difference there is again because BLM
9 doesn't manage the entire 65,000 areas of the project
10 area, only about 19,000 acres. The rest is private or
11 state. So there is some potential here, but again,
12 there are no applications pending. And all three of
13 these scenarios, it's a best guess estimate. We need
14 to consider that if any decision is going to be made
15 later on down the road, and that's where your input is
16 critical.

17 MR. DALTON: Okay. We have five alternatives
18 aside from the no action alternative. This is what we
19 have so far: A, leasing geothermal, solar and wind
20 leases. This is opening up the land to all three.

21 We have B, which is the full geothermal and
22 solar, and no wind leases. C, the full geothermal,
23 partial solar and no wind leases; and D, full solar
24 leases only; and E, full geothermal lease only.

25 This is our range so far. This is not to say

1 we are not developing and restructuring these existing
2 alternatives. It's important -- this is a very
3 checkerboarded area of land ownership, so it's
4 important that we work together to try and develop and
5 just hone in on our alternatives and meet the purpose.

6 Why are we here? We are preparing the EIS.
7 We have just started the process. This is the scoping
8 opportunity, and we want to hear from everyone on
9 potential issues, comments. We can't pretend to know
10 everything that's out there, so we really look to our
11 constituents, public, all participants to help us
12 identify further and go over our purpose and meet that
13 challenge.

14 We did a brief project overview. This is the
15 opportunity for the public to provide information to
16 the BLM and identify any of their concerns. This is
17 the information that we will take, then, and analyze.
18 And it will go into the document. I would like to say
19 that it's real important to give substantive comments.
20 A lot people give us a statement, but sometimes it's
21 nothing more than I vote for No. 2. We want something
22 that we can help identify and analyze. If there is a
23 sensitive species that you are aware of out there and
24 we are not, those types of things are all good
25 comments that will help us to get a good document.

1 We are the lead agency for NEPA. This is not
2 a -- well, let me back up. We do have some
3 cooperators on this project, but it isn't an EIS/EIR.
4 So in preparation of the EIS, the Notice of Intent was
5 published February 20, 2010. We have a 30-day scoping
6 period started February 10 and will continue through
7 March 19th of this month. The draft EIS and public
8 comment period is 90 days. We anticipate that
9 document available to the public summer of 2010. And
10 the final EIS, Fall of 2010 also. And the Record of
11 Decision, 60 days after the Final EIS, and that would
12 be late winter, so 2010-2011.

13 Our objectives for NEPA, we would like to
14 allow the public to identify their concerns and
15 reasonable alternatives for analysis, analyze
16 environmental impacts of the proposed project and
17 alternatives, and identify ways to avoid or reduce
18 environmental impacts. This is what we are looking
19 for from the public and others is to be able to come
20 up with the concerns and to help us better identify
21 our alternatives and the analysis within the document.

22 These, of course, will help us to be able to
23 make a decision at the end when the EIS is completed.
24 You can send the comments to me. There is the
25 address. We also have a Web site set up. You can fax

1 them, e-mail them. Again, they'll be accepted through
2 March 19 of 2010.

3 So with that I would like to thank everybody
4 and open it up to an open house.

5 Is there anything that any of the staff would
6 like to add? With that, we can break up, and feel
7 free to ask us any questions; okay?

8 MR. HAGERTY: We have lots of goodies. We
9 also have the reporter here, if folks would like to
10 give comments.

11 MR. DALTON: The court reporter is here
12 tonight not to take notes for the report of this
13 meeting, but rather to take your comments down. So
14 should you have your comments ready, please come and
15 see Judy, and she will take your comments.

16 MR. McINTYRE: We have comment sheets in the
17 front where Travis is standing. We have pens if you
18 want to write your comment tonight. If you want to
19 leave your comment with us, there is a box in the
20 front. That will go into the record. And also you
21 can mail them to John. There are addresses on the
22 comment sheet or e-mail in to the e-mail address.

23 MS. BARRETT: I had a question. How does
24 this fit in with public use of these lands? You
25 listed all geothermal, all this, combinations thereof.

1 Will it still be open for multiple use of public use?

2 MR. DALTON: That's a good question. With
3 solar, you take it out of the loop. You are changing
4 that class. A multiple use class from L or M to
5 intensive, and that really removes it. So that's what
6 we are looking at to see if this is appropriate for
7 this area.

8 MR. STEWARD: And also, to clarify, with this
9 process we are going through right now, this is kind
10 of programatic in nature because we are not responding
11 to a specific application for solar or wind. We are
12 just looking at a reasonably foreseeable development
13 scenario of what we think might be developed down
14 there. So we want analysis, if someone does apply for
15 a project.

16 But what decision we will make out of this
17 document, it wouldn't keep people from recreating,
18 hunting, riding, camping, whatever other recreational
19 activities that folks are partaking of legally out
20 there right now. They can still do so in the future.
21 But if we do have like a solar application or wind or
22 geothermal application for actual development, then
23 that will really depend on what the planned
24 development is for that project and what things come
25 out of the additional NEPA analysis. Because if there

1 is a project someone applies for in the future, we
2 will have an additional NEPA document tiering off this
3 document, but we will be analyzing public use with
4 that.

5 MS. WEINER: Terry Weiner, Desert Protective
6 Council. You need to address air quality issues with
7 any scraping of the earth here, dust being airborne.

8 MR. DALTON: Thank you, Terry. With that, if
9 we could break up, maybe we could talk and answer any
10 of your questions. Okay?

11 (The meeting was opened for conversation with
12 staff and consultants, with individuals invited to
13 make statements on the record.)

14

15 STATEMENT BY CHRIS MEADOR:

16

17 MR. MEADOR: Chris Meador, Wildlife Research
18 Institute.

19 Well, I just wanted to make sure -- I was at
20 a meeting of the Fish and Wildlife Service over the
21 past two days. It was a Golden Eagle Colloquium
22 meeting among basically all the different government
23 agencies from Fish and Wildlife to BLM to California
24 Fish and Game. And Fish and Wildlife is coming out
25 with new rules and regulations regarding take on

1 Golden Eagles. They have acknowledged that there is a
2 national decline with the Golden Eagle population and
3 in response to that, their new rules are saying there
4 is going to be zero take on Golden Eagles. There is
5 going to be a lot of changes in the permit process for
6 take regarding energy projects from wind and solar, et
7 cetera.

8 And although there are no specific projects
9 for the Chocolate Mountain area at this time, I think
10 studies for the Golden Eagle are going to be done by
11 the current consultant, and if specific projects do
12 come up, that it would be very important to include
13 Golden Eagles in the environmental assessment since
14 this is going to be a very important part of the new
15 permit process, especially pertaining to take, which
16 these energy projects most likely would produce.

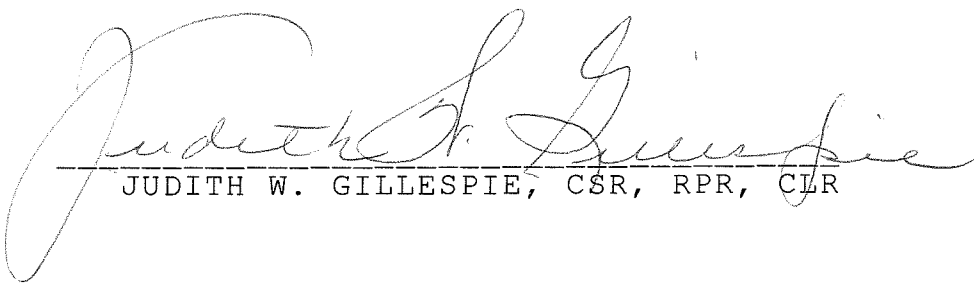
17 (End of open house and discussion at 7:02 p.m.)
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R E P O R T E R ' S C E R T I F I C A T E

I, Judith W. Gillespie, a Certified Shorthand Reporter, No. 3710, for the State of California, do hereby certify that the foregoing pages comprise a full, true and correct transcription of the proceedings had and the testimony taken at the hearing in the hereinbefore-entitled matter of Thursday, March 4, 2010.

Dated this 15th day of March, 2010, at Riverside, California.


JUDITH W. GILLESPIE, CSR, RPR, CLR